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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,781	04/12/2001	Ilan Palciov	6727/0J106US0	9452
7278	7590	01/30/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			KESACK, DANIEL	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/835,781	PALEIOV ET AL.
	Examiner	Art Unit
	Dan Kesack	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04/12/2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-48 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-48 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/12/2001</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This application has been reviewed. Original claims 1-48 are pending. The rejections are as stated below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 6, 8-11, 13-15, 20-26, 28, 29, 32-34, 36, 37, 39-42, 44, rejected under 35 U.S.C. 102(e) as being anticipated by Yanagihara et al. U.S. Patent Application Publication No. 2001/0011249 A1.

Claims 1, 20, 32, Yanagihara discloses an electronic money card having memory (205), a data interface (201), and a processor (202), said memory containing multiple data fields defining characteristics of goods or services for purchase, a user defining

said data fields, and said data fields being used to restrict the usage of said card to said characteristics through the processing of instructions in said processor (Fig 2, paragraphs 4 and 5).

Claim 2, 15, 21-24, 26, 29, 32, 33, 36, 37, 44, Figure 2 of Yanagihara shows data field 209 having usage 1 (215) with a usable limit 1 (217), and usage 2 (219) with usable limit 2 (221). Yanagihara teaches the electronic card disallowing transactions if a transaction is not in accordance with the usage code and usage limit data fields stored on the electronic card (paragraph 21). Yanagihara teaches a comparison process (Fig 4, 409) comparing the transaction data with usage and usable amount data stored on the card, for determining whether or not a specific transaction is authorized (paragraph 29).

Claim 3, 25, 34, 40, 42, Yanagihara teaches payment conditions stored on the card are only modified using a unique master password (paragraph 19). Said master password restricts a second user from modifying the data stored thereon.

Claim 5, 6, 11 Yanagihara teaches the electronic money card is inserted into an electronic money card editing device, electronic money being stored on said card, and the electronic money being defined to be usable for a specific purpose (paragraphs 18 and 19).

Art Unit: 3624

Claims 8 and 39, Examiner interprets "micropayments" to mean a transfer of funds involving very small amounts. The invention disclosed by Yanagihara does not have a minimum transaction amount, and therefore can be used to conduct transactions of any amount, including those defined as "micropayments".

Claim 9, 10, 41, Figure 2 of Yanagihara shows the card having a payment condition upon which transaction authorizations are based (paragraph 19) having personal ID and password fields, allowing a second user to user use said card, and having a separate master password (228) which will allow the first user only to modify designated data.

Claim 13, 14, 28, Figure 2 of Yanagihara shows memory, a CPU, a control interface being built into the electronic money card, which is a portable token.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 3624

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 17-19, 30, 31, 46-48 rejected under 35 U.S.C. 103(a) as being

unpatentable over Yanagihara.

Claims 17 and 46, Yanagihara fails to teach using the data field to define characteristics of uses not permitted by the payment condition. The payment condition of Yanagihara defines characteristics of uses which are allowed. It would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the payment condition field to define disallowable characteristics, because allowable characteristics may be so numerous that it is impractical to define them all, rather the disallowable characteristics are defined only.

Claims 18, 19, 30, 31, 47, 48, Yanagihara fails to teach data fields corresponding to a geographical limitation, or a time-related limitation. Yanagihara's electronic money card contains a usage identification code, usable to define which transactions are acceptable. Limiting said data fields to describing specifically geographical or time-related limitations is regarded as the applicant's intended use of the invention. In light

Art Unit: 3624

of the teachings of Yanagihara, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the payment condition field of the electronic money card of Yanagihara to accommodate codes indicating acceptable geographic locations, as well as time-related conditions.

Claims 16 and 45, Yanagihara fails to teach the vendor receiving an authorization query over an electronic network. It would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the device of Yanagihara to include making an authorization query over a network in response to a transaction request made by a user because this is an old and well known method of approving transactions related to debit and credit accounts.

7. Claims 4 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagihara as applied above, and further in view of Razvan et al. U.S. Patent Application Publication No. 2002/0143703 A1.

Yanagihara fails to teach storing the age of the card user in the data fields to restrict the user from purchasing items when the user's age is below an age requirement.

Razvan discloses a cash card which is freely transferable, redeemable, and usable and which a user can purchase with a set amount of credit thereon and add to the balance as it is used, a serial number stored thereon the card, said serial number encoded with the user's age, and disallowing a transaction if the card user is under the

Art Unit: 3624

age required to purchase an item or service (paragraph 15). It would be obvious to one of ordinary skill in the art to encode the user's age within the data stored on the card because doing so provides additional security for all transactions conducted, said security making it impossible for a minor to illegally purchase age-restricted items, a desirable characteristic in such a card.

Claims 7, 12, 27, 38, 43, rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagihara as applied above, and further in view of Fleming, U.S. Patent No. 5,953,710.

Claims 7 and 38, Yanagihara fails to teach associating with the token a memory located at a server remote from the user, and storing the designated data in the memory.

Fleming discloses a debit card system where a physically accessible card is associated with data stored on memory at a remote location, the data stored on the card usable to make judgment on whether or not a given purchase made by a secondary user is approved, based on said data and on restrictions imposed by a primary card user (column 6 lines 20-46 and column 8 line 55 – column 9 line 10). It would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the invention described in Yanagihara to store data field information on a memory located remotely from the physical card because doing so allows the user to edit said data, and supervise transactions, using a customer access device (column 5

Art Unit: 3624

lines 19-22). Further, backing up said data on a memory located remotely from the physical card prevents data loss in the event that the card is lost or stolen.

Claims 12, 27, and 38, Yanagihara and Fleming fail to teach a user designating the data on a website or a network.

Fleming teaches the data stored in the data fields can be designated through the use of a touch tone phone or a customer access device. It would be obvious to one of ordinary skill in the art at the time of the Applicant's invention that the customer access device described in Fleming could be a computer connected to a network or accessing a specific website, as this method is old and well known in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HANI M. KAZIMI
PRIMARY EXAMINER